

**U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
SUMMARY OF AMENDMENTS TO LOCAL RULES EFFECTIVE 12/1/02**

The court has entered AO 02-1 “Adoption of Amended Local Rules and Clarification of Status of Administrative Orders” which is effective December 1, 2002 for all pending and future cases. This order amends the local rules, approves several new and amended local forms and rescinds twenty two administrative orders which have been incorporated or rendered moot, in whole or in part, by the amendments. In conjunction with amendment of the local rules, two new administrative orders addressing registry fees (AO 02-3) and uncontested chapter 13 confirmation procedures (AO 02-2) were issued to update and replace the existing orders on these subjects (AO 94-3 and AO 99-2). The amended rules, new and amended forms, new administrative orders, and a detailed summary of the changes are available for review in all clerk’s offices and are posted on the court’s web site - www.flsb.uscourts.gov. The following is a summary of some of the significant changes in the rules and forms. Please refer to the actual rules and forms for complete information.

- 1) 1007-2, 1009-1(C), 1013-1(D) and 1019-1(B) - amended to reflect revised clerk’s instructions which combines former CI-3 and CI-4 into new CI-3 “Clerk’s Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments” and revised LF 4 “Debtor’s Notice of Compliance With Requirements for Amending Creditor Information”;
- 2) 1015-1 - provides that motions for joint administration in chapter 11 cases may be considered by the court ex parte. In conjunction, current local form 58 has been split into two forms - “Order Jointly Administering Chapter 11 Cases” and Order Jointly Administering Chapter 7 Cases”;
- 3) 1019-1(F) - provides for a deadline for filing requests for payment of administrative expenses pursuant to section 503 of the Code and for filing section 348(d) claims;
- 4) 1019-1(G) and 4003-1(B) - provide for a deadline for filing objections to claims of exemptions upon conversion of a case;
- 5) 1074-1 - amended to include new requirement that a document authorizing a corporate bankruptcy must accompany the petition;
- 6) 2002-1 - subdivision (I) modified from 3 to 2 days; subdivision (K) provides for designation of a “Master Service List” in chapter 11 cases having more than 75 parties of record; Local Forms 32A and 32B for noticing the disclosure hearing and confirmation hearing and other deadlines have been revised to indicate that

parties on the Master Service List must also be served with these orders;

- 7) 2004-1(A) - adopts local form “Subpoena for Rule 2004 Examination” for service on nondebtors;
- 8) 2016-1(A) - adopts local form “Disclosure of Compensation of Attorney for Debtor”;
- 9) 2016-1(D) - adopts local form “Disclosure of Compensation of Bankruptcy Petition Preparer; Local Form 3, application and order to pay filing fee in installments, has been revised to reference this requirement;
- 10) 2081-1(A) - adopts local form “Debtor’s Notice of Filing Payroll and Sales Tax Reports” for chapter 11 cases;
- 11) 2083-1(B) - provides that, in a chapter 13 case, the debtor’s attorney must review claims and file a local form certification “Certificate of Compliance by Attorney for Debtor with Local Rule 2083-1(B) Claims Review Requirement”;
- 12) 3001-1(A)(3) - amended to eliminate requirement for filing copies of attachments to secured claims and providing means for interested parties to obtain copies of said attachments if needed;
- 13) 3002-1(E) - amended to require that all attachments filed with a claim also be served together with the claim on the debtor, attorney for debtor and chapter 13 trustee;
- 14) 3012-1 and 3015-3(A) - Sets forth a procedure in chapter 13 cases which requires that, in addition to asserting valuation of a secured claim in the plan, the debtor must serve a local form “Motion to Value Collateral in Plan and Notice of Hearing” on the affected parties in accordance with BR 7004. Objections to the motion will be heard at the confirmation hearing scheduled in the case. The local form “Chapter 13 Plan” was amended to reflect these changes. In addition, the local forms “Order Confirming Uncontested Amended Chapter 13 Plan and Notice of Opportunity to Object to Amended Plan” and “Order Confirming Uncontested Chapter 13 Plan” were amended to remove reference to valuation of collateral, since, in conjunction with amended LR 3012-1 and 3015-3(A), valuations can no longer be done in an uncontested confirmation;
- 15) 3015-3(B)(2) - provides that court may, by administrative order, establish procedures for confirmation of chapter 13 plans. In conjunction, the court has entered AO 02-2 which provides for uncontested confirmation at the meeting of creditors;
- 16) 3018-1 - adopts amendment to local form “Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan” to require customization of each ballot prior to service

by plan proponent;

- 17) 3070-1(C) - adopts local form “Agreed Order to Employer to Deduct and Remit and for Related Matters”, commonly called a “wage deduction order” for chapter 13 cases;
- 18) 4008-1(B) - adopts local form “Motion for Approval of Reaffirmation Agreement Not Signed by Debtor’s Attorney”;
- 19) 5005-1(G)(2) - adds requirement to submit envelopes and serve orders within 2 days;
- 20) 5010-1(F) - sets forth procedures for reopening a case to avoid a judicial lien; upon compliance, case deemed reopened without further order of the court;
- 21) 5081-1(D) - sets forth clerk’s policy on nonrefundability of overpayments of fees;
- 22) 6005-1 - amended to reflect changes in auctioneer requirements per Florida Statute and US trustee; Local Forms “Affidavit of Auctioneer”, “Application for Approval of Employment of Auctioneer” and “Order Approving Employment of Auctioneer” have been revised accordingly;
- 23) 7027-1 (E) - adopts “Subpoena in Adversary Proceeding” and Subpoena in Bankruptcy Proceeding” as local forms;
- 24) 9013-1(F) through (K) - sets forth requirements and procedures for expedited hearings for certain motions in chapter 11 cases;
- 25) “Order Setting Filing and Disclosure Requirements for Pretrial and Trial” (LF-63) has been revised in paragraph 1 B. to set a deadline for submitting the written report required pursuant to Rule 26(a)(2)(B), Fed.R.Civ.P. Paragraph 1 D. has been revised to state that written reports prepared by expert witnesses need not be filed with the court unless otherwise ordered.